



Rocky Mountain
Remediation Services, L.L.C.
... protecting the environment

INTEROFFICE MEMORANDUM

DATE: March 4, 1996
TO: RMRS Environmental Restoration (ER) Managers
FROM: L. L. Tyler, RMRS Records, Bldg. 080, X6936 *Laura Tyler*
SUBJECT: CERCLA Administrative Record (AR) - LLT-007-96

This letter serves as a reminder that all ER project managers are responsible for identifying and submitting records to be included in the CERCLA Administrative Record Files. While there has been regulatory relief for some activities under ER, the responsibility for compiling and maintaining the AR has received no relief, and all milestones still exist and must be met.

Under Section 113(j) of CERCLA, the judicial review of any issue concerning the adequacy of a response action is normally limited to the AR. For this reason, the AR must contain adequate documentation to explain and describe the decision process that leads to the selection of a particular response action. An AR includes not only the rationale for the selected remediation, but must also document any courses of action which were considered, but ultimately rejected.

To aid in assessing the relevance of a document to the AR, I have attached a routine document list and other information which should be helpful. For further information and instructions, please see procedure 2-S65-ER-ADM-17.02, Administrative Record Document Identification and Transmittal. Copies of this procedure can be obtained by calling Sue Burt, X8265.

If you need additional information or training on the AR, please contact me at the above number, or Betty Wallace on X8710.

LT:cb

Attachment:
As Stated

cc:
C. A. Benson
M. C. Broussard
S. C. Evans
L. A. Guinn
J. E. Law
A. M. Parker
D. E. Steffen
A. M. Tyson
Project File Center (2)

DOCUMENT CLASSIFICATION
REVIEW WAIVER PER
CLASSIFICATION OFFICE

ADMINISTRATIVE RECORD DOCUMENT IDENTIFICATION

In assessing the relevance of a document to the AR, there are two basic questions: 1) Could the document be used or relied upon in deciding how to clean up an IHSS, OU, or Site?; and 2) Will the document be used to inform or involve the public in the clean up of OUs at Rocky Flats? A document does not need to be specific to an OU to be considered for its remediation. An example would be a document outlining procedures for protecting endangered species at Rocky Flats. While this does not address itself to any particular OU, all proposals for remediation would have to take the endangered species procedure into consideration.

Much of the documentation such as validated sampling data, treatability studies, or sampling plans is clearly relevant. Most of the documentation is not straightforward. For example, when is a budget decision strictly administrative and when does it influence the selection of the response action? Memoranda may provide concrete direction or may simply be an airing of ideas. What the courts are looking for in the AR is evidence that the decision in selecting a response action was not arbitrary and capricious, but on the best available information.

Below are some specific types of documents that would be included in the AR followed by a section on documents generally excluded.

In accordance with 40 CFR 300.810, the AR for the selection of a response action may contain the following types of documents.

1. Documents containing factual information and data and analysis of the factual information and data that form a basis for the selection of a response action, are as follows:
 - Comprehensive Environmental Analysis and Response Program (CEARP) reports
 - Remedial Investigation/Feasibility Study (RI/FS) Work Plan
 - Amendments to the Final Work Plan
 - Sampling and Analysis Plan (SAP), consisting of a Quality Assurance Project Plan (QAPjP) and Field Sampling Plan
 - Validated and verified sampling and analysis data
 - Chain of Custody forms
 - Site inspection evaluation reports
 - Data summary sheets
 - Technical and engineering evaluations performed for the site
 - OU-specific health and safety plans
 - Documents supporting the lead agency's determination of imminent and substantial endangered assessment
 - Documentation of applicable or relevant and appropriate requirements
 - RI/FS report
 - Remedial Investigations/RCRA Facility Investigations (RFI/RIIs)
 - RFI/RI Technical Memorandums
 - Data submitted by the public, including potentially responsible parties (PRPs)

2. Documents received, published, or made available to the public for remedial actions or removal plans, such as:
 - Community Relations Plan
 - Proposed Plan
 - Public notices of AR availability and public comment periods
 - Documentation of public meetings
 - Transcripts of public meetings
 - Responses to public comments
 - Responses to comments from state or federal agencies
3. Other information such as:
 - Documentation of state involvement
 - Health assessments
 - Risk assessments
 - Natural Resource Trustee notices and responses, findings of fact, final reports and natural resource damage assessments
 - Decision documents rising from dispute resolutions
4. Decision documents such as:
 - Interim Measure/Interim Remedial Action (IM/IRA)
 - Corrective Action Decision/Record of Decision (COD/RODs), including responsiveness summary
 - Explanations of significant differences
 - Amended RODs and underlying information
5. For CERCLA sites with a history of RCRA activity, any relevant RCRA information that may be considered or relied on in selecting the CERCLA response action.

DOCUMENT TYPES FOR ROUTINE INCLUSION INTO THE ADMINISTRATIVE RECORD

FACTUAL INFORMATION

1. Preliminary Assessment (PA) Report (or equivalent)
2. Site Investigation (SI) Report
3. Remedial Investigation/Feasibility Study (RI/FS) Work Plan
4. Amendments to the Final Work Plan
5. RI/FS Report
6. RCRA Permit Application (Part A and Part B)
7. RCRA Facility Assessment Report
8. RCRA Facility Investigation/Corrective Measures (RFI/CMS) Study Work Plan
9. RFI/CMS Report
10. RFI/RI
11. Quality Assurance Project Plan (QAPjP)
12. Operating Unit (OU) Work Plans and Standard Operating Procedures (SOPs)
13. Baseline Risk Assessment Technical Memoranda
14. OU/Action Specific Health and Safety Plans
15. Sampling and Analysis Plans
16. Interim Measure/Interim Remedial Action Treatability Studies
17. Historical Release Report (HRR)
18. Data Summary Sheets

PUBLIC PARTICIPATION

1. Community Relations Plan
2. Newspaper articles showing general community awareness
3. Transcripts of formal public hearings
4. Documentation of informal public meetings
5. Public notices concerning response action selection, such as notices of availability of information, notices of meetings, and notices of opportunities to comment
6. Public comment
7. Responses to significant comments received from the public concerning the selection of a response action

REGULATORY AGENCY INVOLVEMENT

1. Draft submitted by DOE, RFFO to the regulatory agencies for review
2. Comments from a regulatory agency to DOE, RFFO (directly or through EG&G)
3. DOE, RFFO response to comment received from regulatory agency
4. Notice of violation

DECISION DOCUMENTS

1. Interim Measure/Interim Remedial Action Plan (IM/IRA) decision documents
2. Record of Decision (ROD)
3. Explanations of significant differences
4. Amended ROD and underlying information

OTHER

1. Proposed Action Memorandum (PAMs)
2. Documents on issues giving rise to decisions from the dispute resolution procedures of Parts 12, 16, and 27 of the Interagency Agreement, and the decision itself
3. Updates and addendums to routine documents and formerly approved documents will also be considered routine

¹ This is specifically called out in Part 44, p232 of the Interagency Agreement